

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

STEPHANIE ROBERTS,

2:11-CV-1917 JCM (GWF)

Plaintiff(s),

V.

SMITH'S FOOD & DRUG CENTERS,
INC., et al.,

Defendant(s).

ORDER

Presently before the court is plaintiff Stephanie Roberts' motion to continue trial. (Doc. # 34).

Plaintiff seeks to continue the trial date, currently set for October 7, 2013, for six to eight months. Plaintiff states that such a continuance is necessary because she will be undergoing medical examination and treatment for the next few weeks due to complications that occurred during an operation on June 24, 2013. Plaintiff claims that she is currently unable to travel from her home in Stockton, California due to her current medical condition. This is plaintiff's first request to continue the trial date.

Defendant Smith's Food and Drug Centers, Inc. filed an opposition (doc. # 37), requesting that the motion be denied and all evidence submitted disclosed after the close of discovery be excluded from trial, or, alternatively, that the court grant a brief continuance of two to three months. Defendant points out that plaintiff has not provided medical evidence proving the need for a continuance, and argues that plaintiff is merely trying to "run up" her medical bills to increase the

1 damages she will request at trial.

2 Pursuant to local rules 6-1 and 26-4, a trial court may grant a motion to continue a trial date
3 if good cause exists. "Good cause is a non-rigorous standard that has been construed broadly across
4 procedural and statutory contexts." *Ahanchian v. Xenon Pictures, Inc.*, 624 F.3d 1253, 1259 (9th Cir.
5 2010) (internal quotation marks omitted).

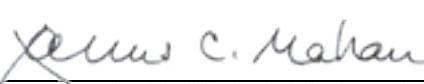
6 Even without providing concrete medical evidence of her current condition, the documentary
7 evidence hitherto provided to the court suggests that plaintiff's request is sincere. Therefore the court
8 is inclined to find that there is good cause to continue the trial date in this case. However, the court
9 is mindful of the burden that this action places upon defendant, and will only order a three month
10 continuance at this time. Before granting any further continuance on this basis, the court will expect
11 plaintiff to submit medical evidence specifically indicating that her condition prevents her from
12 traveling without substantial hardship.

13 Accordingly,

14 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED, that plaintiff's motion to
15 continue trial (doc. # 34) be, and the same hereby is, GRANTED in part.

16 The trial of this case presently scheduled for Monday, October 7, 2013, and calendar call
17 presently scheduled for Wednesday, October 2, 2013, are hereby VACATED and trial is rescheduled
18 for **Monday, January 6, 2014, at the hour of 9:00 a.m.** Calendar call is rescheduled for
19 **Thursday, January 2, 2014, at the hour of 1:30 p.m.**

20 DATED September 27, 2013.

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23 **UNITED STATES DISTRICT JUDGE**
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